

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
SOUTHERN DIVISION  
No. 7:23-CV-1631-BO

MARIAN ELIZABETH DUBAR, )  
Plaintiff, )  
v. )  
RYAN HANKS, ET AL., )  
Defendant. )

## ORDER

Before the Court is the Memorandum and Recommendation (“M&R”) of United States Magistrate Judge Robert B. Jones, Jr. [DE 14]. The M&R recommends this Court grant defendants’ motion to dismiss, [DE 6], dismiss the complaint without prejudice for lack of subject matter jurisdiction, and deny plaintiff’s motion to deposit funds [DE 5] as moot. [DE 14]. Plaintiff did not respond to defendant’s motion to dismiss. Further, no responses or objections to the M&R were filed. With no objections to the M&R, this Court may adopt the recommendations if it is “satisf[ied] . . . that there is no clear error on the face of the record . . . .” *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (internal quotation and citation omitted); see also *Thomas v. Arn*, 474 U.S. 140, 150 (1985) (“It does not appear that Congress intend to require district court review of a magistrate’s factual or legal conclusion under a *de novo* or any other standard, when neither party objects.”).

After reviewing the M&R and all relevant matters, the Court finds no clear error. Accordingly, the Court ADOPTS the M&R [DE 14] in its entirety. Defendants' motion to dismiss is GRANTED. [DE 6]. Plaintiff's complaint is DISMISSED without prejudice for lack of subject

matter jurisdiction. Further, plaintiff's motion to deposit funds is DENIED as moot. [DE 5]. The Clerk is DIRECTED to enter judgment and close the case.

SO ORDERED, this 7 day of May 2024.

  
TERRENCE W. BOYLE  
UNITED STATES DISTRICT JUDGE